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ilar questions, and consent is given, the court has always exercised great liberality in permitting this to be done. And doubtless it is within our discretion to allow it in any case when justified by the circumstances. *Green v. Biddle*, 8 Wheat. 17, 5 L. ed. 551; *Florida v. Georgia*, 17 How. 491, 15 L. ed. 188; *The Gray Jacket*, 5 Wall. 370, 18 L. ed. 646. It does not appear that applicant is interested in any other case which will be affected by the decision of this case; as the parties are represented by competent counsel, the need of assistance cannot be assumed and consent has not been given."

EMINENT DOMAIN—EVIDENCE OF VALUE—OFFERS TO PURCHASE—RECORD ON APPEAL—DAMAGES TO ADJACENT PROPERTY—INSTRUCTIONS.—1. The testimony of an owner of real property of offers to purchase the same for hotel, residential, or amusement purposes, or for a ferry, or a railroad terminal, or to lease the property for hotel purposes, is inadmissible on the issue in condemnation proceedings as to the value of such property.

2. Statements by the court in his charge which refer to evidence which does not appear in a bill of exceptions not purporting to contain all the evidence, when not excepted to nor corrected by counsel, will be taken as supplementing the evidence in the record.

3. Just compensation to the owner of three absolutely separate and independent, though adjoining, farms, one of which only was taken in condemnation proceedings, does not demand an award of the damages to the two remaining farms, arising from the proposed use of the condemned property for military purposes.

4. The jury on a trial *de novo* upon an appeal from an award of commissioners in condemnation proceedings are properly instructed that they must be satisfied as to the value and damage by the testimony produced before them, without reference to any testimony produced before the commissioners, and that they must not be influenced by the commissioners' report. *Sharp v. U. S.*, 24 Sup. Ct. 114.

BANKRUPTCY—PREFERENCE—UNRECORDED CHATTEL MORTGAGES—AVOIDANCE—DATE OF TRANSFER.—Bankr. Act, sec. 3a, Act July 1, 1898, c 541, 30 Stat. 546 (U. S. Comp. St. 1901, p. 3422), declares a transfer of property while insolvent, with intent to prefer creditors, an act of bankruptcy, and, for filing a petition based on such an act, allows four months from the date of recording the instrument, or from the date of notorious exclusive possession by the beneficiary. Section 60a, 30 Stat. 562 (U. S. Comp. St. 1901, p. 3445), makes such a transfer as above enumerated a preference, and, if given within four months before the filing of the petition, the beneficiary having reason to believe that a preference was intended, declares it voidable by the trustee. *Held* that, in case of a preference by way of an unrecorded chattel mortgage, the transfer dates from the acquisition of possession under the mortgage. *Tatman v. Humphrey* (Mass.) 68 N. E. 844. Citing *Wilson v. Nelson*, 183 U. S. 191.

Per Knowlton, C. J:

"In *Matthews v. Hardt*, 79 App. Div. 570, 9 Am. Bankr. R. 373, 80 N. Y.